

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GREGORY HUGHES,

Plaintiff,

vs.

BANK OF AMERICA CORP. et al.,

Defendants.

3:12-cv-00513-RCJ-VPC

ORDER

This is a residential foreclosure avoidance case involving one property. Plaintiff Gregory Hughes sued Defendants Bank of America Corp., Bank of America, N.A., BAC Home Loan Servicing, LP, ReconTrust Co., N.A., Federal National Mortgage Association (“Fannie Mae”), the Washoe County Recorder’s Office, and Kathy Burke *in pro se* in state court on thirteen nominal causes of action¹: (1) Real Estate Settlement Procedures Act (“RESPA”) violations; (2) Breach of Contract (failure to comply with HUD regulations before foreclosure, as required by the deed of trust); (3) “Unreasonable Collection Efforts”; (4) Intentional Misrepresentation (accepting payments but not applying them to Plaintiff’s account); (5) Fair Debt Collection Practices Act (“FDCPA”) violations; (6) violations of the “FTC Safeguards Rule,” 67 Fed. Reg. 36484; (7) Racketeer and Corrupt Organizations Act (“RICO”) violations; (8) Abuse of Process;

¹The causes of action are listed as 1–7 and 9–14. (*See generally*, Compl., July 30, 2012, ECF No. 1-1, at 5).

1 (9) Intentional Misrepresentation (falsely claiming ownership of the promissory note); (10) “Bad
2 Faith Bargaining”; (11) False Pretenses; (12) “Filing a False Certificate (Robosigning)”; and (13)
3 Intentional Infliction of Emotional Distress (“IIED”). Defendants removed. The Court has
4 dismissed several claims as precluded, but some claims remain.

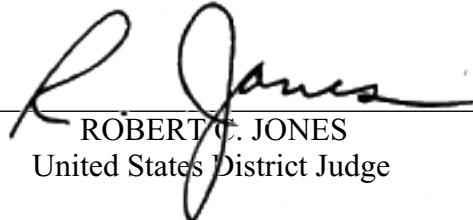
5 Defendant Kathryn Burke had moved to dismiss in state court, but the motion was not
6 adjudicated before removal and was not entered into this Court’s docket at the time of removal.
7 The Clerk recently entered that motion into this Court’s docket and notified Plaintiff of his duty
8 to respond. Plaintiff has not timely responded. The Court grants the motion. *See* Local R. 7-
9 2(d).

10 **CONCLUSION**

11 IT IS HEREBY ORDERED that the Motion to Dismiss (ECF No. 26) is GRANTED, and
12 Kathryn Burke is DISMISSED as a Defendant.

13 IT IS SO ORDERED.

14 Dated this 17th day of September, 2013.

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17 ROBERT C. JONES
18 United States District Judge
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